(25)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 3124 of 2007

PETITIONER : Vishnu Prasad Nirmalkar S/o R.D.Nirmalkar Age 61 Years R/o "Basant Dryclean" Tatyapara, G.E. Road, Raipur (C.G.)

VERSUS

RESPONDENTS : 1. Municipal Corporation Through Commissioner, Raipur (C.G.)
2. State of Chhattisgarh Through- Collector, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri C.R.Sahu, Advocate for the petitioner.
Shri Kashif Shakil, Advocate for the respondent No. 1.
Shri V.V.S.Moorthy, Dy. Advocate General with Smt. Anju Ahuja, Dy. Govt. Advocate for the State/respondent No. 2.

ORDER
(Passed on 13th day of June, 2007)

1. In the present matter, the petitioner is aggrieved by the notice dated 01.02.2007 (Annexure P/2) issued under Section 305(1) of the Chhattisgarh Municipal Corporation Act, 1956, by respondent No.1/Municipal Corporation, Raipur for the proposed widening of several roads in the city of Raipur.

2. Shri C.R.Sahu, learned counsel appearing for the petitioners does not want to press other points except that the compensation for damages or loss occasioned by widening of public street (road) be reasonable and just.

3. Learned counsel appearing for the petitioner fairly submits that the petitioner who is in possession of the building which is beyond the regular line of public street has no other right except right to reasonable compensation for any damages or loss that may be caused as a consequences in the process of widening of the public street (road).

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4. The petitioner, in this petition is questioning the basis for grant of compensation for any damages or loss occasioned by them. Learned counsel further submits that the petitioner be granted liberty to invoke provisions of section 387 of the Act, 1956 in the event the petitioner is dissatisfied with the amount of compensation for damages or loss, granted by the respondent/Corporation.

5. Shri Kashif Shakil, learned counsel appearing for respondent no. 1 and Shri V.V.S.Moorthy, learned Deputy Advocate General with Smt. Anju Ahuja, learned Deputy Government Advocate, appearing for respondent no. 2 do not controvert the submission made by the learned counsel appearing for the petitioner.

6. In view of the foregoing, this petition is disposed of with liberty reserved to the petitioner to invoke provisions of Section 387 of the Act, 1956 for appointment of arbitrator in accordance with the said provisions, if so advised. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge